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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference P200300895WO | FOR FURTHER ACTION <i>See Form PCT/IPEA/416</i> | |
| International application No. PCT/DK2004/000510 | International filing date (day/month/year) 22.07.2004 | Priority date (day/month/year) 23.07.2003 |
| International Patent Classification (IPC) or national classification and IPC A63H33/08 | | |
| Applicant LEGO A/S et al. | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 2 sheets, as follows: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in Item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). | | |
| <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application | | |
| Date of submission of the demand 20.05.2005 | Date of completion of this report 31.10.2005 | |
| Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 eprmu d Fax: +49 89 2399 - 4465 | Authorized Officer Shmonin, V Telephone No. +49 89 2399-2043 | |



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/DK2004/000510

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:

international search (under Rules 12.3 and 23.1(b))

publication of the international application (under Rule 12.4)

international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements* of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an Invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-6 received on 24.05.2005 with letter of 20.05.2005

Drawings, Sheets

1/3-3/3 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

- the description, pages
 - the claims, Nos. 1-6
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/DK2004/000510

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|------|--------|-----|
| Novelty (N) | Yes: | Claims | 1-6 |
| | No: | Claims | |
| Inventive step (IS) | Yes: | Claims | 1-6 |
| | No: | Claims | |
| Industrial applicability (IA) | Yes: | Claims | 1-6 |
| | No: | Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/DK2004/000510

Reference is made to the following document:

D5: WO 01/17634

The document D5 is regarded as being the closest prior art to the subject-matter of the independent claim 1 and shows an egg-shaped container composed of two elements: a top element provided with upwardly protruding coupling suds and a bottom element provided with coupling skirts.

The subject-matter of claim 1 differs from this known D5 in that the top and a bottom elements can be interconnected exclusively by rotation and that the toy building set further comprises at least one intermediate element between the top and bottom elements.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as how to provide a toy building element with variable height and which at the same time would reliably keep its integrity during play.

The solution to this problem proposed in claim 1 of the present invention is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
none of the prior art documents discloses a toy building element with coupling studs and/or skirts having an intermediate element which can be interconnected with top and bottom elements exclusively by rotation.

Claims 2-6 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Claims 2-6 also meet the criteria of industrial applicability.

Claims (amended)

1. A toy building element with coupling studs (6; 23; 33; 43; 45; 63) and/or coupling skirts (7; 27; 37; 57)--that are complementary therewith for interconnection with other toy building elements provided with corresponding coupling studs and/or coupling skirts, the interconnection taking place in the axial direction of the coupling studs and/or coupling skirts, said toy building element comprising a top element (1; 21; 31; 41; 51) and a bottom element (2; 22; 32; 42; 52) that can be interconnected by means of integral coupling means that are releasable exclusively by rotation about an axis (A) in parallel with the axial direction of the coupling studs (6; 23; 33; 43; 45; 53) and/or the coupling skirts (7; 27; 37; 57), **characterised in** that the toy building element further comprises at least one intermediate element (8; 38; 48; 58), said top element (1; 21; 31; 41; 51) being interconnectable with an upper end of the intermediate element (8; 38; 48; 58), while the bottom element (2; 22; 32; 42; 52) can be interconnected with a lower end of the intermediate element (8; 38; 48; 58).
2. A toy building element according to claim 1, **characterised in** that the coupling means are a bayonet coupling (10, 12, 15, 16).
3. A toy building means according to claim 1, **characterised in** that the coupling means are a threaded coupling (25, 29).
- 25 4. A toy building element according to any one of claims 1-3, **characterised in** that the top element is provided with upwardly projecting coupling studs (6; 23; 33; 43; 53), while the bottom element is provided with coupling skirts (7; 27; 37; 57).

5. A toy building element according to any one of claims 1-4, characterised in that the intermediate element (8; 58) is configured as an upwardly open container with a bottom (11) at its lower end.
- 5 6. A toy building element according to claim 5, characterised in that the bottom (11) on the bottom face (5) is provided with downwardly projecting coupling studs (18; 55).